

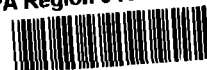


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



231914

REPLY TO THE ATTENTION OF

MEMORANDUM

SE-5J

DATE:

SUBJECT: **ACTION MEMORANDUM** - Request for a Ceiling Increase and Exemption from the 12-Month and \$2 Million Statutory Limit for the Removal Action at the 76th and Albany Site Chicago, Cook County, Illinois (Site ID #A541)

FROM: Brad Benning, On-Scene Coordinator
Emergency Response Section II

TO: Richard C. Karl, Director
Superfund Division

THRU: Tom Geishecker, Acting Chief
Emergency Response Branch

I. PURPOSE

The purpose of this memorandum is to request an exemption from the 12-month and \$2 million Statutory Limit and request your approval to increase the total project ceiling for this removal to \$2,698,180 and re-establish project ceilings for the Superfund Technical Assistance and Response Team (START) at \$51,600 and the Emergency Rapid Response Service (ERRS) contractor at \$2,646,580. This memorandum requests an additional \$680,800 due to anticipated costs in excess of the original procurement request and the previous ceiling increases dated February 7, 2001, and August 21, 2001. The added costs are a result of additional waste volumes which remain on site and have not been removed due to lack of financial resources. The proposed response action will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site. Proposed removal actions include, but are not limited to, the assessment and stabilization of chemical hazards at the Site, and excavation and off-site disposal of the hazardous substances. The project will require an estimated thirty 10-hour on-site working days to complete.

The Site is not on the National Priorities List ("NPL")

II. SITE CONDITIONS AND BACKGROUND

The CERCLIS ID number for the Site is ILSFN0507984

Site Description

1. Removal site evaluation

A Removal Site Assessment was conducted on February 4, 2000, to determine the extent of the automobile shredder residue ("ASR") previously observed at the Site, and to obtain additional analytical data to warrant a removal action. The fill area containing the ASR was sectioned into 50 foot grids with sample points at the grid nodes. Thirty sample points were generated and visually inspected for ASR. Eleven samples were collected of ASR at or near the surface and one duplicate. The samples were analyzed for total lead, TCLP lead, and Polychlorinated Biphenyls (PCBs). The results identified Total lead levels ranging from 722 to 4,780ppm, TCLP lead levels ranging from 0.52 to 27.3mg/l, and PCBs ranging from 4.45 to 198.5mg/l. The ASR remaining for this removal action appears to be limited to an area approximately of one acre at the northwest corner of the site, and may extend down 10 feet in depth. Total amount of ASR for the purpose of this action is estimated at 5,000 cubic yards.

2. Physical location

The property is located two blocks north of the end of Albany Street at 76th Street in Chicago, Cook County, Illinois. Coordinates for the site are latitude 41 degrees 45' 20" North and longitude 87 degrees 42' 08" West, as measured using a hand-held Global Positioning System (GPS) device. It is located in a industrial neighborhood with surrounding residential and commercial areas. The area of concern for the purpose of this action is located in the northwest corner of the property, and is approximately one acre in size.

A Region 5 Superfund Environmental Justice analysis has been prepared for the area surrounding the Site. This analysis is presented in Attachment IV. In Illinois, the low-income percentage is 27 and the minority percentage is 25. To meet the EJ concern criteria, the area within 1 mile of the site must have a population that's twice the state low-income percentage or/and twice the state minority percentage. That is, the area must be at least 54% low-income and/or 50% minority. At this site, the low-income percentage is 35.0 % and the minority is 53.5% as determined by Arcview or Landview III EJ analysis. Therefore, this site does meet the region's EJ criteria based on demographics as identified in "Region 5 Interim Guidelines for Identifying and Addressing a Potential EJ Case, June 1998".

3. Site characteristics

The property known as 76th and Albany consists of a large tract of land some 20 acres in size. The east half of the site operated as a drive-in theater, although it has been closed and abandoned for many years. The west half of the site was leased by the property owners to Krisjon Construction Co., and operated as a disposal site for soil and construction material, and for recycling broken concrete slabs and asphalt. Krisjon Construction operated at the site from 1989 through 1993 when they abandoned the site leaving roughly 400,000 cubic yards of material stockpiled on site. Subsequent investigations revealed that there were areas on the site that contained other disposed materials other than concrete and asphalt. Areas on the site were believed to contain petroleum contaminated soils and ASR material. The site consists of numerous waste piles, the largest running along the northern boundary of the property and distinct areas of concrete, asphalt, and ASR are located on the southern portion of the site. The property is partially fenced, but can be easily accessible to the public.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

Investigations at the site for this phase of the removal have been focused on the exposed ASR material located in the northwest portion of the property. Analytical data have indicated that elevated levels of lead and PCBs have been released to the environment, as a result of the improper disposal of ASR material.

5. Maps, pictures and other graphic representations

Attachment IV

B. Other Actions to Date

1. Previous actions

In 1996, U.S. EPA participated in a joint City and State workgroup to address illegal dump sites within the City. Inspections were conducted at thirteen locations and sampling assessments were conducted at five of the largest sites. The 76th and Albany location was one of those five initial assessments, which was conducted on March 15, 1996. That assessment also identified areas that contained elevated lead and PCBs. The information was provided to State and local authorities, which proceeded with separate enforcement actions against the property owners.

The original Action Memorandum for the 76th and Albany Site was signed on November 3, 2000, with an approved ceiling of \$750,750. The removal was initiated on December 18, 2000, and was originally scoped to address approximately 10,000 cubic yards of Automobile Shredder

Residue (ASR) contaminated with lead and PCBs. The initial assessment indicated that the ASR was primarily located along the west portion of the site, with depths varying from one to eight feet. A test pit in the east portion of the site appeared clean and ASR material was not anticipated in this area. Upon initiation of the removal action, additional test pits were conducted throughout the entire site to locate all ASR material that may be present on site. During this investigation a large area of ASR was discovered on the east portion of the site to a depth in excess of 12 feet. The waste volume from this area was approximately 12,000 cubic yards, and a ceiling increase memo was completed for an additional \$835,050, dated February 7, 2001.

The City of Chicago was conducting a parallel operation addressing ASR in a different location at the Site, utilizing the same contractor and treatment methodology. The City completed excavation and treatment of the remaining ASR, but exhausted their funding prior to completion of disposal activities. Approximately 10,000 cubic yards of treated ASR remained stockpiled on site. Due to the lack of resources by the City, a second ceiling increase memo was completed for an additional \$475,380, dated August 21, 2001. The total project ceiling for the site was now at \$2,017,380, and approximately 35,220 cubic yards of ASR had been removed from the Site.

2. Current Actions

Cleanup operations by the City have ceased for lack of funding. An area in the northwest corner of the property still contains approximately 5,000 cubic yards of ASR that would require treatment and disposal. The City has acquired title to the property and is pursuing additional development of the Site.

C. State and Local Authorities' Roles

1. State and local actions to date

The City of Chicago negotiated a redevelopment plan for this property, and completed clearing the remaining ASR, concrete and construction debris. Tetra Tech was hired by the City as the prime contractor and oversaw all work at the site. Any additional ASR material discovered during the cleanup was to be mitigated by the City. Currently two large distribution facilities have been built on east portion of the Site. The west side of the Site remains undeveloped. A small section in the northwest corner still contains a debris and ASR. The State has no plans to conduct or assist with any of the remediation activities at this time.

2. Potential for continued State/local response

The City of Chicago intends to continue redevelopment on the west portion of the Site, but has hit a roadblock due to funding shortfalls to remove the remaining ASR. The City of Chicago is requesting additional assistance to treat and remove the remaining ASR, to allow redevelopment to continue.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A removal action is necessary at the 76th and Albany Site to abate the threat to public health, welfare or the environment posed by the release and potential release of hazardous substances. The NCP, 40 C.F.R. 300.415(b)(2), provides eight specific criteria for evaluation of a threat and the appropriateness of a removal action. Observations documented during the Site investigation indicate that the Site meets the following criteria for a time-critical removal action:

A. Actual or potential exposure to hazardous substances or pollutants or contaminants by nearby populations, animals, or the food chain.

This factor is present at the Site due to the large volume of ASR material on site which is contaminated with elevated levels of lead and PCBs. Lead was detected in the majority of the samples at concentrations much higher than the TCLP regulatory limit. Lead is considered a cumulative poison and poses an inhalation and ingestion hazard. Long-term exposure to lead can result in build-up in the body, an affect known as bioaccumulation. Prolonged exposure to lead could result in kidney damage, anemia, and decreased fertility. Elevated lead exposure before or during pregnancy may cause birth defects. PCBs bioconcentrate in the tissues of animals and plants. The tissue concentrations can increase by orders of magnitude moving up the food chain from one trophic level to the next. PCBs are extremely stable compounds and are slow to chemically degrade in the environment. PCBs elicit a variety of effects including skin lesions, wasting syndrome, immunotoxicity, reproductive toxicity, genotoxicity, and liver damage. The Site is unsecured and would be considered an attractive nuisance for children in the neighborhood.

B. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate.

This factor is present at the Site due to the existence of over 60,000 square feet of exposed ASR material. The site has been used as a recreation area by children, dirt bikes, and motorcycles which may allow contaminated material to be tracked off site.

C. Weather conditions that may cause hazardous substances or pollutant or contaminants to migrate or be released;

This factor is present at the Site as strong winds potentially could carry the light components of the ASR material off site, allowing lead and PCB contaminants to impact nearby commercial and residential areas. Precipitation runoff also may impact adjacent commercial property to the south as the waste pile ends right at the property boundary.

D. Threat of fire or explosion.

This factor is present at this Site due to the existence of combustible ASR material. The burning

of the ASR could release contaminants to the air threatening local residents.

IV. EMERGENCY EXEMPTION FOR STATUTORY LIMITS

The 76th and Albany site meets the emergency exemption criteria in Section 104 (c) of CERCLA 42 U.S.C. Section 9604 (c), as amended, to exceed the 12-month and \$2 million statutory limit for Removal Actions:

1) There is an immediate risk to public health or welfare or the environment;

Approximately 5,000 cubic yards of ASR remain on the site and is located on the surface which continues to pose an imminent threat of exposure to public health due to the elevated levels of lead and polychlorinated biphenyls (PCBs).

2) Continued response actions are immediately required to prevent, limit or mitigate an emergency;

Failure to continue response actions at the site will pose an imminent threat of direct contact with hazardous substances as the site is not secured. The potential exists for off-site migration from wind and precipitation, and the possibility of fire at the site due to the combustible nature of the ASR.

3) Assistance will not otherwise be provided on a timely basis;

Neither the state, county or local government have the resources required to undertake a clean-up action of the magnitude needed at this site.

V. ENDANGERMENT DETERMINATION

Given the current conditions at the Site and the nature of the hazardous substances on-site, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing and completing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment. The possibility of further releases of the hazardous substances present a threat to the nearby population and the environment via the exposure pathways described in Section III.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

The threats posed in earlier actions support the need for removal actions at the Site. The hazardous substances are located in an unsecured site, with signs of public access and the site is located near industrial and residential areas, and must be immediately addressed. The proposed removal actions at the site would eliminate the imminent and substantial threats to human health, welfare, or the environment, as outlined in this memorandum.

The OSC proposes to undertake the following response actions to mitigate threats posed by the presence of hazardous substances at the Site:

- a. Develop and implement a site-specific work plan including a proposed time line.
- b. Develop and implement a site-specific health and safety plan.
- c. Establish and maintain site security measures during the removal actions, which may include security guard service.
- d. Develop and implement an air monitoring and sampling program during removal activities.
- e. Identify, sample and characterize the hazardous substances located at the site.
- f. Excavate contaminated soil, and debris and stage on-site, as necessary.
- g. Conduct on-site treatment to reduce lead levels below disposal regulatory limits.
- h. Bulk and consolidate wastes in preparation for off-site disposal to a U.S.EPA approved disposal facility.
- f. Conduct confirmation sampling to ensure Agency cleanup goals are met.

All hazardous substances, pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

The removal action will be taken in a manner not inconsistent with the NCP. The OSC has begun planning for provisions of post-removal site control, consistent with the provisions of Section 300.415(1) of the NCP. It is envisioned that after implementation of this removal action, there will be no need for post-removal site control.

All applicable and relevant and appropriate requirements ("ARARs") of federal and state law will be complied with, to the extent practicable. A federal ARAR determined to be applicable for the Site is the RCRA Off-Site Disposal Policy. A state ARAR determined to be applicable for the Site is the Subtitle G: Waste Disposal Regulations. Any additional federal and state ARARs will be addressed to the extent practicable.

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants or contaminants at the Site which may pose an imminent and substantial endangerment to public health, welfare, or the environment. These response actions

do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

The estimated costs to complete the above actions are summarized below. These activities will require an estimated thirty 10-hour on-site days to complete. Detailed contractor costs are presented in Attachment II.

REMOVAL ACTION PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS	Current Ceiling	Proposed Ceiling
<u>Regional Removal Allowance Costs:</u>		
ERRS Contractor	\$1,481,000	\$1,981,000
Contingency (15%)	<u>238,700</u>	<u>313,700</u>
Subtotal	1,719,700	2,294,700
<u>Other Extramural Costs Not Funded from the Regional Allowance:</u>		
START	34,600	51,600
Extramural Subtotal	1,754,300	2,346,300
Extramural Contingency (15%)	<u>263,080</u>	<u>351,880</u>
TOTAL, REMOVAL ACTION PROJECT CEILING	\$2,017,380	\$2,698,180

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

A delay or non-action at the Site may result in an increased likelihood of direct contact to human populations by the hazardous substances. Since the Site is easily accessible, the various threats to human health and/or the environment, pose a serious threat to the local population. Additionally, any delay or non-action will also increase the likelihood of contamination migration off-site into the surrounding commercial and residential neighborhood.

VIII. OUTSTANDING POLICY ISSUES

No significant policy issues are associated with the the 76th and Albany site.

IX. ENFORCEMENT

For administrative purposes, information concerning confidential enforcement strategy for this Site is contained in the Enforcement Confidential Addendum. The total costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$3,913,712.¹

(Direct Costs) + (Indirect Costs) = **Estimated EPA Costs for a Removal Action**

$$(\$2,698,180 + \$50,600) + (42.38\% \times \$2,748,780) = \mathbf{\$3,913,712}$$


1

Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgement interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the 76th and Albany site, located in Chicago, Cook County, Illinois, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the site (see Attachment III).

Conditions at the site meet the criteria of Section 300.415(b)(2) of the NCP for a removal action and meet the statutory criteria. Based on the emergency waiver, I recommend your approval of the proposed removal action and exemption from the 12-month and \$2 million statutory limits on removal actions. It is specifically recommended that the START and ERRS portions of the total project ceiling be re-established at \$51,600 and \$1,981,000, respectively. The total estimated project ceiling, if approved will be \$2,698,180. Of this, an estimated \$2,646,580 may be used for cleanup contractor costs. You may indicate your decision by signing below:

APPROVE:  ^{PK} DATE: 9/24/04
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Attachments: I. Enforcement Confidential addendum
II. ERRS Contractor Estimate
III. Administrative Record
IV. Site Maps and Pictures

cc: D. Stalcup, U.S.EPA, OERR, 5202G
Michael T. Chezik, U.S. Department of the Interior
Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106 **w/o Enf. Addendum**
B. Everetts, Illinois EPA
Superfund Coordinator, **w/o Enf. Addendum**

S. Davis, Illinois EPA
DNR Trustee, **w/o Enf. Addendum**

BCC PAGE

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

(REDACTED 1 PAGE)

ENFORCEMENT ADDENDUM

**76th ST. AND ALBANY SITE
CHICAGO, ILLINOIS
MARCH 2000**

**ENFORCEMENT SENSITIVE
NOT SUBJECT TO DISCOVERY**

(REDACTED 1 PAGE)

**ATTACHMENT II
ERRS CONTRACTOR COSTS
76th and Albany**

PERSONNEL	\$70,000
EQUIPMENT	30,000
MATERIALS	100,000
TRANSPORTATION	50,000
DISPOSAL	<u>250,000</u>
TOTAL	\$500,000

ATTACHMENT III

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
76TH AND ALBANY SITE
CHICAGO, COOK COUNTY, ILLINOIS

ORIGINAL
MARCH 13, 2000

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	07/12/96	Ecology and Environment, Inc.	U.S. EPA	Site Assessment Report for the 76 th and Albany Site	57
2	00/00/00	Ecology and Environment, Inc.	U.S. EPA	Removal Assessment Report for the 76 th and Albany Site (PENDING)	
3	11/03/00	Benning, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the 76 th and Albany Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	15

UPDATE #1
FEBRUARY 7, 2001

1	02/07/01	Benning, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Ceiling Increase for the Removal Action at the 76 th and Albany Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	20
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UPDATE #2
AUGUST 21, 2001

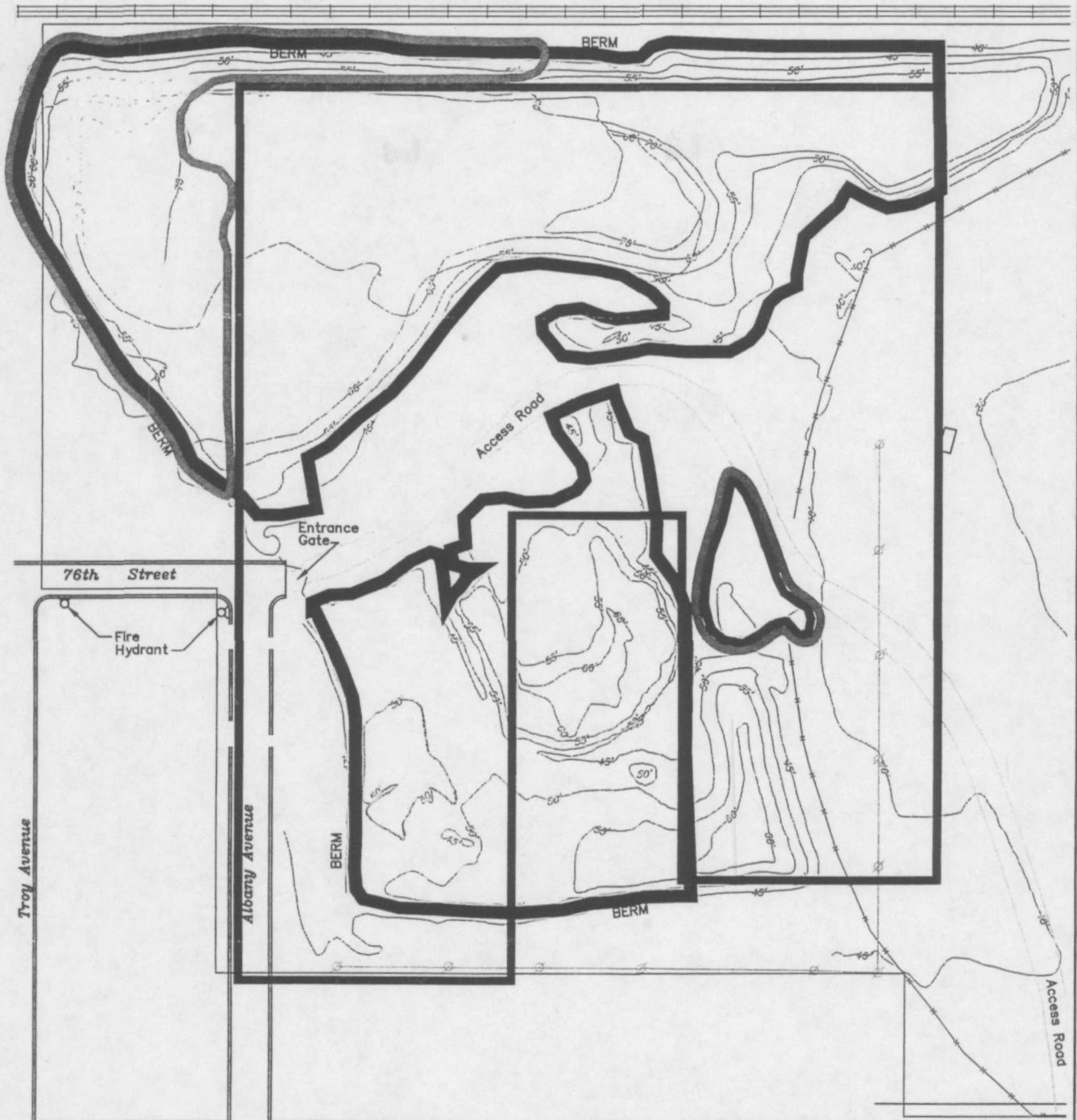
1	08/21/01	Benning, B., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Ceiling Increase for the Removal Action at the 76 th and Albany Site (PORTIONS OF THIS DOCUMENT HAVE BEEN REDACTED)	28
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<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
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UPDATE #3
SEPTEMBER 8, 2004

1	00/00/00	Benning, B., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Ceiling Increase and Exemption from the 24-Month Statu- tory Limit for the Removal Action at the 76 th and Albany Site (PENDING)	
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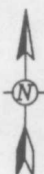
BELT RAILWAY COMPANY OF CHICAGO



LEGEND

- Power Pole
- Chain-link fence
- Elevation Contour
- Railroad
- Remediation Boundary
- Building Footprint
- Remaining Material Boundary
- Suspected Auto Fluff Area

0 90 180
SCALE IN FEET



NOTE: The elevations depicted hereon are referenced to the Chicago City Datum.

CITY OF CHICAGO
DEPARTMENT OF ENVIRONMENT
76th AND ALBANY-SITE RESTORATION PROJECT
CHICAGO, ILLINOIS

FIGURE 1
AUTO FLUFF LOCATION

Tetra Tech EM Inc.